GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

W.R (LA) Department - Visakhapatnam District – Acquisition of land to an extent of Ac.30.98 cts. through Award No.1/1999, Dated:31.08.2009 in Valabu Village of Devarapalli Mandal, Visakhapatnam District for formation of Isakagedda Reservoir – Land Compensation enhanced to Rs.2.00 lakh per Acre by the Senior Civil Judge Court, Chodavaram (Reference Court) in LA OP No.49/2010 and batch, dated:30.6.2017 subsequently modified on 28.12.2018 - Appeal filed in LAAS No.624/2017 & batch dismissed as infructuous on 11.04.2018 - Proposal for sanction of Rs.1,15,26,005/- towards decretal charge - Sanction accorded – Orders – Issued.

==========

WATER RESOURCES (LA) DEPARTMENT

G.O.Rt.No.1870 Dated:07-09-2022

Read the Following:-

1. From the Chief Commissioner of Land Administration & Spl.CS, Govt. of AP, Vijayawada, letter No.LA-I/150/2020-1, dated:11.08.2021.
2. From the Advocate General, AP, Amaravati, Opinion No.157/2021, Dated:29.03.2022(Lr.No.128/2022, dated:30.03.2022).

*****

ORDER:

In the letter 1st read above, the Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Vijayawada while forwarding the proposal of the District Collector, Visakhapatnam for sanction of Rs.1,15,26,005/- towards the payment of decretal charges to the awardees/ decree holders in LAOP No.44/2010 to 49/2010 of the Hon'ble Senior Civil Judge Court, Chodavaram has requested the Government to address the Advocate General to offer his opinion as to whether it is a fit case for filing Appeal or not in Hon'ble Supreme Court and whether to implement the modified orders of the Lower Court dated:28.12.2018 as the earlier orders dated:30.06.2017 of the Lower Court have been confirmed by the Hon'ble High Court dated:11.04.2018 in LAAS No. 624 & batch cases of 2017.

2. In the circumstances reported by the Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Vijayawada in the reference 1st read above, Government have examined the issued in detail in due consultation with the Law Officers and observed that, *"the order passed by the Reference Court in I.A.No.540/2018, dated 28.12.2018 in the batch of LAOPs i.e., 44/2010 and batch enhancing the interest component from 9% to 15% is in consonance with statutory provision of the Land Acquisition Act under Section 34 of LA Act. It was also made clear by the Reference Court that, imposition of 9% interest on the enhanced amount is only a clerical or arithmetic error. Further, when the order passed in I.A.No.540/2018 in LAOP No.44/2020 and batch, dated 28.12.2018 was assailed before the Division Bench of the Hon'ble High Court by way of filing of Civil Revision Petition, the Hon'ble High Court dismissed the C.R.P. which results in upholding the interest component @ 15% instead of 9% as awarded in the earlier order dated 30.6.2017. In view of the dismissal of Civil Revision Petition, the order passed in the Amendment Petition by the Reference Court in I.A.No.540/2018 has been merged with the orders passed by the Hon'ble High Court in LAAS No.624/2017 and batch. Now the Claimants are pressing Execution Petitions for attachment of the Offices of the Revenue authorities and the said Execution Petitions are posted on 31.03.2012. It is not proper to prefer SLP before the Hon'ble Supreme Court only on the ground of rectification of clerical error by the Reference Court. Since Section 34 of Land Acquisition Act clearly stipulated that, interest component on the enhanced amount shall be 15%, there is no scope to reduce the interest component to that of 9% even if prefers Special Leave Petition before the Hon'ble Supreme Court and chances are very bleak. Therefore, the interest component has been specified in the statute itself and it is binding on the Government to calculate interest @ 15% and arrive to the correct amount to be paid in the Account of the Reference Court for disbursement to the Claimants".*

3. Therefore, Government after careful examination of the matter, hereby accord sanction for an amount of Rs.1,15,26,005/- (Rupees One crore Fifteen lakhs Twenty Six thousand and Five only) towards decretal charge payable in LAOP Nos. 44/2010 to 49/2010 (6 OPs) of the Hon'ble Senior Civil Judge Court, Chodavaram relates to the lands measuring an extent of Ac.30.98 cts. acquired in Valabu Village of Devarapalli Mandal vide Award No.1/2009, dated:31.08.2009, for formation of lsakagedda Reservoir, subject to conditions that,-

i verification whether the reference under section 18(1) of the L.A. Act is made to the Lower Court after following all the guidelines / directions on the subject;

ii. in case, it is detected that, section 18 reference was made contrary to the rules/guidelines issued by the Government / Chief Commissioner of Land Administration, Andhra Pradesh, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition;

iii. confirmation of concerned Chief Engineer as to the extent of land acquired; and

iv. the District Collector, Visakhapatnam shall verify at his level thoroughly the calculations made by the Land Acquisition Officer with reference to the decree and instructions issued by the Government / Chief Commissioner of Land Administration, AP on the subject matter from time to time, to avoid excess and double payment before depositing the above sanctioned decretal amount in the respective Lower Court.

4. The expenditure sanctioned in para (3) above, shall be debited to the Head of Account " 4702 Capital Out Lay on Major Irrigation – MH 101- GH 11 Normal State Plan – SH(12) Construction and Restoration of Minor Irrigation sources – 530 Major works-531 O.E - 532- Lands (Charged)".

5. The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, APIIC Building, Mangalagiri / the District Collector, Visakhapatnam shall take further necessary action in the matter, accordingly.

6. This order issues with the concurrence of Finance Department vide their U.O.No. FIN01-FMU0MRAS(WR2)/40/2022-FMU-WR-II,(Computer No.1700386),Dated:18.07.2022.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, APIIC Building, Mangalagiri.
The District Collector, Visakhapatnam.
Copy to:
The Chief Engineer, Minor & Medium Irrigation, Vijayawada.
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Works Accounts, 'C' Block, Anjaneya Towers, Ibrahimpatnam, Vijayawada.
Copy to:-
The PS to Minister (WR).
The P.S. to Prl. Secretary to Government, Water Resources Department.
The Finance (FMU-WR-II) Department.
File No.ICD01/333/2020-LA (Computer No.1118140)
SF/SC.

//Forwarded :: By Order//

SECTION OFFICER